

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: There are two Extraordinary issues to the Official Gazette Series I No. 7 dated 18-5-2000 as follows:

- 1) Extraordinary dated 18-5-2000 from pages 137 to 142 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).
- 2) Extraordinary No. 2 dated 23-5-2000 from pages 143 to 146 regarding Notifications from Department of Labour (Office of the Commissioner of Labour) and Department of Law & Judiciary (Legal Affairs Division).

GOVERNMENT OF GOA

Department of Finance

Revenue and Expenditure Division

Notification

10/3/95-Fin (R&C)

In exercise of the powers conferred by sub-section (1) of section 4 of the Goa Protection of Interests of Depositors (in Financial Establishments) Act, 1999 (Goa Act 10 of 1999) (hereinafter called the "said Act"), the Government of Goa hereby appoints the Deputy Collector and District Recovery Officer, North, and the Deputy Collector and District Recovery Officer, South, as the "competent authority", to exercise control over the properties attached by the Government under section 3 of the said Act, in their respective districts, with immediate effect.

By order and in the name of the Governor of Goa.

Yvonne Cunha, Under Secretary (Fin-Exp.).

Panaji, 16th May, 2000.

Department of Law and Judiciary

Legal Affairs Division

Notification

10-4-99/LA(I)

The Marriage Laws (Amendment) Act, 1999 (Central Act No. 39 of 1999) which has been passed by the Parliament and assented to by the President

of India on 29-12-1999 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 29-12-99 is hereby published for the general information of the public.

Ashok N. P. Dessai, Under Secretary (Law).

Panaji, 24th April, 2000.

THE MARRIAGE LAWS (AMENDMENT) ACT, 1999

AN

ACT

further to amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954.

Be it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Marriage Laws (Amendment) Act, 1999.

2. *Amendment of section 5 of Act 25 of 1955.*— In section 5 of the Hindu Marriage Act, 1955, in clause (ii), in sub-clause (c), the words "or epilepsy" shall be omitted.

3. *Amendment of section 4 of Act 43 of 1954.*— In section 4 of the Special Marriage Act, 1954, in clause (b) in sub-clause (iii), the words "or epilepsy" shall be omitted.

Notification

10-4-99/LA (II)

The Central Industrial Security Force (Amendment and Validation) Act, 1999 (Central Act No. 40 of 1999) which has been passed by the Parliament and assented to by the President of India on 29-12-1999 and published in the Gazette

of India, Extraordinary, Part II, Section 1 dated 29-12-99 is hereby published for the general information of the public.

Ashok N. P. Dessai, Under Secretary (Law).

Panaji, 24th April, 2000.

**THE CENTRAL INDUSTRIAL SECURITY FORCE
(AMENDMENT AND VALIDATION) ACT, 1999**

AN

ACT

further to amend the Central Industrial Security Force Act, 1968, and to validate certain revision petitions disposed of under the rules made under the said Act.

Be it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:-

1. *Short title.*— This Act may be called the Central Industrial Security Force (Amendment and Validation) Act, 1999.

2. *Amendment of long title.*— In the Central Industrial Security Force Act, 1968 (hereinafter referred to as the 50 of 1968. principal Act), for the long title, the following long title shall be substituted, namely:—

"An Act to provide for the constitution and regulation of an armed force of the Union for the better protection and security of industrial undertakings owned by the Central Government, certain other industrial undertakings, employees of all such undertakings and to provide technical consultancy services to industrial establishments in the private sector and for matters connected therewith."

3. *Amendment of section 2.*— In section 2 of the principal Act, in sub-section (1), after clause (c), the following clause shall be inserted, namely:—

'(ca) "industrial establishment" means an industrial undertaking or a company as defined under section 3 of the Companies Act, 1956 or a firm 1 of 1956. registered under section 59 of the Indian Partnership Act, 1932 which is engaged 9 of 1932. in any industry, or in any trade, business or service;'

4. *Amendment of section 3.*— In section 3 of the principal Act, in sub-section (1), the words "and to perform such other duties as may be entrusted to it by the Central Government" shall be inserted at the end.

5. *Amendment of section 8.*— In section 8 of the principal Act, —

(i) in clause (i), after the word "remove", the words, "order for compulsory retirement of" shall be inserted;

(ii) in clause (ii), after sub-clause (c), the following sub-clauses shall be inserted, namely:—

"(d) withholding of increment of pay with or without cumulative effect;

(e) withholding of promotion;

(f) censure."

6. *Amendment of section 9.*— In section 9 of the principal Act, —

(i) in sub-section (1), for the words, brackets and figure "subject to the provisions of sub-section (3)", the words, brackets, figures and letters "subject to the provisions of sub-section (2A), sub-section (2B) and sub-section (3)" shall be substituted;

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:—

"(2A) Any enrolled member of the Force aggrieved by an order passed in appeal under sub-section (1) may, within a period of six months from the date on which the order is communicated to him, prefer a revision petition against the order to such authority as may be prescribed and in disposing of the revision petition, the said authority shall follow such procedure as may be prescribed.

(2B) The authority, as may be prescribed for the purpose of this sub-section, on a revision petition preferred by an aggrieved enrolled member of the Force or *suo moto*, may call for, within a prescribed period, the records of any proceeding under section 8 or sub-section (2) or sub-section (2A) and such authority may, after making inquiry in the prescribed manner, and subject to the provisions of this Act, pass such order, thereon as it thinks fit."

(iii) in sub-section (3), for the words, figures and brackets "under section 8 or under sub-section (2)", the words, figures, brackets and letters "under section 8, sub-section (2), sub-section (2A) or sub-section (2B)" shall be substituted.

7. *Amendment of section 10.* — In section 10 of the principal Act, after clause (e), the following clauses shall be inserted, namely:—

"(f) to provide technical consultancy services relating to security of any private sector industrial establishments under section 14A;

(g) to protect and safeguard the organisations owned or funded by the Government and the employees of such organisations as may be entrusted to him by the Central Government;

(h) any other duty which may be entrusted to him by the Central Government from time to time."

8. *Insertion of new section 14A.* — After section 14 of the principal Act, the following section shall be inserted, namely:—

"14A. *Technical Consultancy Service to industrial establishments.* — (1) Subject to any general directions which may be issued by the Central Government, it shall be lawful for the Director-General, on a request received from the Managing Director of an industrial establishment in the private sector or any other person authorised by him in this behalf, to direct the members of the Force to provide technical consultancy services relating to security, to such industrial establishments in such manner and on payment of such fee as may be prescribed.

(2) The fee received under sub-section (1) shall be credited to the Consolidated Fund of India.

Explanation. — For the purposes of this section, the expression "Managing Director", in relation to an industrial establishment, means the person (whether called general manager, manager, chief executive officer or a partner of a firm or by any other name) who exercises control over the affairs of the establishment."

9. *In section 22 of the principal Act, in sub-section (2),—*

(i) after clause (ggg), the following clauses shall be inserted, namely:—

"(gggg) prescribing authority under sub-section (2A) of section 9 and the procedure to be followed by such authority in disposing of the revision petition;

(ggggg) prescribing authority under sub-section (2B) of section 9, the period within which such authority may call for the records and the manner in which such authority may make inquiry;"

(ii) in clause (h), the word "and" occurring at the end shall be omitted;

(iii) after clause (h), the following clause shall be inserted, namely:—

"(hh) the manner in which and the fee on payment of which the technical consultancy services shall be provided under sub-section (1) of section 14A; and"

10. *Validation of the disposal of certain revision petitions.* — Notwithstanding any judgment, decree or order of any court to the contrary, rule 49 of the Central Industrial Security Force Rules, 1969 published with the notification of the Government of India in the Ministry of Home Affairs number S.O. 4632, dated the 12th November, 1969 shall be deemed to be, and to have always been, made under the principal Act as amended by this Act as if the principal Act as so amended had been in force at all material times before the commencement of this Act and accordingly the disposal of any revision petition under the said rule 49 before the commencement of this Act or any order made or purporting to have been made or any action or thing taken or done in or under such petition shall not be deemed to be invalid or ever to have become invalid merely on the ground that the Central Government had no power under the principal Act to make the said rule 49.

Notification

10-4-99/LA-V

The Appropriation (Railways) No. 4 Act, 1999 (Central Act No. 43 of 1999) which has been passed by the Parliament and assented to by the President of India on 29-12-1999 and published in the Gazette of India, Extraordinary, Part II, Section I dated 29-12-1999 is hereby published for the general information of the public.

Ashok N. P. Dessai, Under Secretary (Law).

Panaji, 24th April, 2000.

THE APPROPRIATION (RAILWAYS) NO. 4 ACT, 1999

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1999-2000 for the purposes of Railways.

Be it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) No. 4 Act, 1999.

2. *Issue of Rs. 30,000 out of the Consolidated Fund of India for the financial year 1999-2000.*— From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1999-2000, in respect of the services relating to Railways specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
16	Assets —			
	—Acquisition, Construction and Replacement—			
	Other Expenditure			
	Capital.....	5,000	...	5,000
	Railway			
	Funds.....	25,000	...	25,000
	Total:	30,000	...	30,000

Notification

10-4-99/LA-VIII

The Copyright (Amendment) Act, 1999 (Central Act No. 49 of 1999) which has been passed by the Parliament and assented to by the President of India on 30-12-99 and published in the Gazette of

India, Extraordinary, Part II, Section 1 dated 30-12-1999 is hereby published for the general information of the public.

Ashok N. P. Dessai, Under Secretary (Law).

Panaji, 24th April, 2000.

THE COPYRIGHT (AMENDMENT) ACT, 1999

AN

ACT

further to amend the Copyright Act, 1957.

Be it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Copyright (Amendment) Act, 1999.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In the Copyright Act, 1957 (hereinafter referred to as the principal Act), in section 2, in clause (o), for the words "data basis", the word "databases" shall be substituted.

3. *Amendment of section 14.*— In section 14 of the principal Act, in clause (b), for sub-clause (ii), the following shall be substituted, namely:—

"(ii) to sell or give on commercial rental or offer for sale or for commercial rental any copy of the computer programme:

Provided that such commercial rental does not apply in respect of computer programmes where the programme itself is not the essential object of the rental."

4. *Amendment of section 38.*— In section 38 of the principal Act, in sub-section (2), for the words "twenty-five years", the words "fifty years" shall be substituted.

5. *Insertion of new section 40A.*— After section 40 of the principal Act, the following section shall be inserted, namely:—

"40A. Power of Central Government to apply Chapter VIII to broadcasting organisations and performers in certain other countries.— (1) If the

Central Government is satisfied that a foreign country (other than a country with which India has entered into a treaty or which is a party to a convention relating to rights of broadcasting organisations and performers to which India is also a party) has made or has undertaken to make such provisions, if any, as it appears to the Central Government expedient to require, for the protection in that foreign country, of the rights of broadcasting organisations and performers as is available under this Act, if may, by order published in the Official Gazette, direct that the provisions of Chapter VIII shall apply—

(a) to broadcasting organisations whose headquarters is situated in a country to which the order relates or, the broadcast was transmitted from a transmitter situated in a country to which the order relates as if the headquarters of such organisation were situated in India or such broadcast were made from India;

(b) to performances that took place outside India to which the order relates in like manner as if they took place in India;

(c) to performances that are incorporated in a sound recording published in a country to which the order relates as if it were published in India;

(d) to performances not fixed on a sound recording broadcast by a broadcasting organisation the headquarters of which is located in a country to which the order relates or where the broadcast is transmitted from a transmitter which is situated in a country to which the order relates as if the headquarters of such organisation were situated in India or such broadcast were made from India.

(2) Every order made under sub-section (1) may provide that—

(i) the provisions of Chapter VIII shall apply either generally or in relation to such class or classes of broadcasts or performances or such other class or classes of cases as may be specified in the order;

(ii) the term of the rights of broadcasting organisations and performers in India shall not exceed such term as is conferred by the law of the country to which the order relates;

(iii) the enjoyment of the rights conferred by Chapter VIII shall be subject to the accomplishment of such conditions and

formalities, if any, as may be specified in that order;

(iv) Chapter VIII or any part thereof shall not apply to broadcast and performances made before the commencement of the order or that Chapter VIII or any part thereof shall not apply to broadcasts and performances broadcast or performed before the commencement of the order;

(v) in case of ownership of rights of broadcasting organisations and performers, the provisions of Chapter VIII shall apply with such exceptions and modifications as the Central Government may, having regard to the law of the foreign country, consider necessary."

6. *Insertion of new section 42A.* — After section 42 of the principal Act, the following section shall be inserted, namely:—

"42A. *Power to restrict rights of foreign broadcasting organisations and performers.* — If it appears to the Central Government that a foreign country does not give or has not undertaken to give adequate protection to rights of broadcasting organisations or performers, the Central Government may, by order published in the Official Gazette, direct that such of the provisions of this Act as confer right to broadcasting organisations or performers, as the case may be, shall not apply to broadcasting organisations or performers whereof are based or incorporated in such foreign country or are subjects or citizens of such foreign country and are not incorporated or domiciled in India, and thereupon those provisions shall not apply to such broadcasting organisations or performers."

7. *Amendment of section 52.* — In section 52 of the principal Act, in sub-section (1),—

(a) after clause (aa), the following clauses shall be inserted, namely:—

"(ab) the doing of any act necessary to obtain information essential for operating inter-operability of an independently created computer programme with other programmes by a lawful possessor of a computer programme provided that such information is not otherwise readily available;

(ac) the observation, study or test of functioning of the computer programme in order to determine the ideas and principles

which underline any elements of the programme while performing such acts necessary for the functions for which the computer programme was supplied;

(ad) the making of copies or adaptation of the computer programme from a personally legally obtained copy for non-commercial personal use;";

(b) in the proviso to clause (p), for the words "fifty years", the words "sixty years" shall be substituted.

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Department of Revenue

Notification

2/1/99-RD(5392)

Whereas certain draft rules further to amend the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, were published as required by sub-section (2) of section 61 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), in the Official Gazette, Series I, No. 50, dated 9-3-2000, under Notification No. 2/1/99-RD(5392) dated 18-2-2000 of the Department of Revenue, Government of Goa, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 9-3-2000;

And whereas no objections or suggestions have been received from the public on the said draft by the Government;

Now, therefore, in exercise of the powers conferred by section 61, read with section 18 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, namely:—

1. *Short title and commencement.* — (1) These rules may be called the Goa Agricultural Tenancy (Amendment) Rules, 2000.

(2) They shall come into force at once.

2. *Amendment of rule 10.* — In rule 10 of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, after sub-rule (13), the following sub-rule shall be inserted, namely:—

"(14) The Mamlatdar shall dispose of the application within a period of one year from the date of service of the notice to the other party".

By order and in the name of the Governor of Goa.

D. M. Borkar, Under Secretary (Revenue).

Panaji, 9th May, 2000.